

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTY BARKER, et al.,)	JUDGE JOHN A. ADAMS
)	
Plaintiffs,)	
)	CASE NO. 5:19-cv-00276
vs.)	
)	
GEORGE T. MAIER, STARK COUNTY SHERIFF, in his official capacity,)	<u>ORDER GRANTING JOINT</u>
)	<u>MOTION FOR APPROVAL OF FLSA</u>
)	<u>COLLECTIVE ACTION</u>
Defendant.)	<u>SETTLEMENT AND DISMISSAL</u>
)	<u>WITH PREJUDICE</u>

This matter is before the Court on the Parties’ Joint Motion for Approval of Collective Action Settlement (“Joint Motion”) pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). The Joint Motion asks the Court to approve as fair and reasonable, the proposed settlement (the “Settlement”) reached by the Parties and memorialized in the Collective Action Settlement Agreement and Release (the “Agreement”). Unless otherwise defined, all terms used in this Order have the same meanings as defined in the Agreement.

Having reviewed the Joint Motion and its exhibits, the Agreement, the supporting declaration, and the pleadings and papers on file in this action, and for good cause established therein, the Court enters this Order. In doing so, the Court approves the Agreement, the proposed Notice of Settlement of Collective Action Lawsuit, the proposed Claim Form and Release, the proposed allocation and calculation of Settlement Awards, the Service Awards to Representative Plaintiffs, and the attorneys’ fees and litigation expenses to Plaintiffs’ Counsel. In entering this Order, the Court finds as follows:

1. On February 5, 2019, Representative Plaintiffs filed this lawsuit, filing an Amended Complaint on April 1, 2019.

2. Defendant filed a Motion to Dismiss Counts two and three of the Amended Complaint on April 18, 2019. (ECF No. 17). Plaintiffs filed their Opposition to same on May 17, 2019, and Defendant filed its Reply on May 31, 2019. (ECF Nos. 20, 22).

3. Plaintiffs filed a Motion for Conditional Certification on May 28, 2019. (ECF No. 21). Defendant filed an Opposition to Conditional Certification on June 11, 2019, and Plaintiffs filed a Reply Memorandum in support on June 18, 2019. (ECF Nos. 23, 24). Defendant filed a Notice of Supplemental Authority on August 28, 2019, and Plaintiffs filed their objection to same the following day. (ECF Nos. 25, 26).

4. On March 18, 2020, this Court issued its Order Denying Defendant's Motion to Dismiss and granting Plaintiffs' Motion for Conditional Certification. (ECF No. 27).

5. On April 1, 2020, the Parties filed a Joint Motion to Stay Litigation pending settlement discussions. (ECF No. 29).

6. Since April 1, 2020, the Parties have engaged in informed settlement discussions, culminating in the settlement now approved by this Court.

7. The total settlement amount is \$106,000.00.

8. There are 339 Eligible Settlement Participants who will have an opportunity to join the settlement as Claimants, including the Representative Plaintiffs and those Plaintiffs who have opted into this Action.

9. The Court approves and authorizes the distribution of the Notice of Settlement of Collective Action Lawsuit that is attached to the Agreement to the Eligible Settlement Participants in the manner, and subject to the terms and conditions, set forth in the Agreement.

10. The Court approves and authorizes the distribution of the Claim Form and Release that is attached to the Agreement to Eligible Settlement Participants in the manner, and subject to

the terms and conditions, set forth in the Agreement. The Court approves costs up to the amount of \$6,000.00 to be paid from the total settlement amount to the administrator selected by the Parties.

11. The Court approves the process outlined in the Agreement by which Eligible Settlement Participants become Claimants that are entitled to a Settlement Award payment.

12. The Agreement provides that, in consideration of the Settlement Award payments to the Claimants, the action is to be dismissed with prejudice.

13. The Court finds that the proposed Settlement is fair and reasonable and satisfies the standard for approval under Section 16(b) of the FLSA, 29 U.S.C. § 216(b). The Court finds that the Settlement resulted from arm's-length negotiations between experienced counsel after substantial investigation.

14. The Court has considered all relevant factors, including the risk, complexity, expense and likely duration of the litigation; the extent of investigation; the amount offered in the settlement; and the experience and views of the Parties' Counsel.

15. The Court finds that the total settlement amount of \$106,000 is fair and reasonable.

16. The Court finds that the proposed allocation and calculation of the Settlement Award payments is fair and reasonable.

17. The Court approves the payment of attorneys' fees and litigation costs to Plaintiffs' Counsel and orders that such payments be distributed in the manner, and subject to the terms and conditions, set forth in the Settlement Agreement.

18. The Court approves the payment of the Service Payments to the Representative Plaintiffs and orders that such Service Payments be distributed in the manner, and subject to the terms and conditions, set forth in the Settlement Agreement.

19. The Court dismisses the claims of the Claimants with prejudice, and enters final judgment dismissing them from the action. The Court finds there is no just reason for delay and directs the Clerk of the Court to enter this Order immediately.

20. The Court retains jurisdiction over the action to enforce the terms of the Agreement, including, but not limited to, the administration of the settlement.

SO ORDERED:

Date: May 3, 2021

/s/ John R. Adams
HONORABLE JUDGE JOHN A. ADAMS
United States District Court Judge